STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION	13093	AMENDED PERMIT	15020	LICENSE	

ORDER AMENDING THE PERMIT

WHEREAS:

- Amended Permit 15020 was issued to Calaveras County Water District on August 11, 1982, pursuant to Application 13093.
- 2. A petition to change the project has been filed with the State Water Resources Control Board.
- 3. On March 6, 1987 the Collierville Afterbay was eliminated from the North Fork Stanislaus Hydroelectric Project by Federal Energy Regulatory Commission Order No. 2409-013. The afterbay was no longer needed due to the construction of New Melones Dam, which backs water up the canyon to approximately one-quarter mile below the proposed afterbay site. Without Collierville Afterbay, a swimming beach at that location is no longer feasible.
- 4. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

- Condition 27 of the amended permit, related to the swimming beach, is hereby deleted.
- Condition 28 of the amended permit, related to the operation of the Collierville Afterbay, is hereby deleted.

Dated:

SEPTEMBER 1 1993

Edward C. Anton, Chief Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION.	12911 13092	15016 15019	LICENSE
	13093	15020	
	18727	15021	
	19148	15023	

ORDER RESCINDING THE APRIL 3, 1985 ORDER, APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMITS

WHEREAS:

- 1. Petitions for extensions of time within which to develop the project and apply the water to the proposed use under said permits have been filed with State Water Resources Control Board.
- 2. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
- 3. The order issued on April 3, 1985 incorrectly altered Conditions 14 of the permits instead of Conditions 13, when Conditions 13 and Conditions 14 should have remained intact.
- 4. The order issued on April 3, 1985 also numbered the signature page of the ORDER as "3", rather than "2".
- 5. The ORDER issued on April 3, 1985 should be rescinded due to the above errors.
- 6. When the April 3, 1985 order is rescinded, Permit Conditions 12 pertaining to the continuing authority of the Board will not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

- 1. The order issued on April 3, 1985, regarding said permits is hereby rescinded.
- 2. A new development schedule is approved for said permits as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 31, 1990 (0000008)

COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE

December 31, 1992 (0000009)

Permit	15016	(Application	12911)
	15019		13092
	15020		13093
	15021		18727
	15023		19148

Page 2

3. Condition 12 of said permits be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated:

JUNE 3 0 1988

In mont

Walter G. Pettit, Chief Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS

ORDER

APPLICATION	12911		15016			
	13092	PERMIT	15019		LICENSE	
	13093		15020			
	18727	et erske kreik kritik i jober geboor	15021	egilen jirilga erili jirila da ka		
	19148		15023			

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMITS

WHEREAS:

- 1. Petitions for extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board.
- 2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE

December 1, 1990 (0000008)

COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE

December 1, 1992 (0000009)

2. Paragraph 12 of this permit is deleted. A new Paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of diversion of said water.

Permits 15016; 15019, 15020, 15021, 15023 (Applications 12911, 13092, 13093, 18727, 19148)
Page 3

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

3. Paragraph 14 of this permit is deleted. A new Paragraph 14 is added as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Dated: APRIL 3 1985

Raymond Walsh, Chief Division of Water Rights

STATE OF CALIFORNIA THE RESOURCES AGENCY STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED **PERMIT** 15020 Application 13093 of Calaveras County Water District P. O. Box 846, San Andreas, California 95249 May 13, 1949 filed on , has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit. Permittee is hereby authorized to divert and use water as follows: 1. Source: Tributary to: (1) North Fork Stanislaus River Stanislaus River thence San Joaquin River (2) Highland Creek North Fork Stanislaus River 40-acre subdivision of public land survey or projection thereof 2. Location of point of diversion: SEE ADDENDUM Counties of Alpine Tuolumne and Calaveras 3. Purpose of use: 4. Place of use: Section Range ship New Spicer Meadow Powerhouse Power within SE4 of NW4 9 6N 18E MD Collierville Powerhouse within SW4 of NW4

The place of use is shown on map filed with the State Water Resources Control Board.

ADDENDUM

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
(1) North Fork Diversion Dam: Storage	- Projection (Metho)				Meridan
West 1,500 feet from SE corner of Section 20	SW ¹ ₄ of SE ¹ ₄	20	7N	18E	MD
(2) New Spicer Meadow Reservoir: Storage and Rediversion					
South 1,225 feet and West 1,700 feet from NE corner of Section 9	NW4 of NE4	9	6N	18E	MD
(3) McKay's Point Diversion Dam: Rediversion					· · · · · · · · · · · · · · · · · · ·
South 63° East 2,000 feet from NW corner of Section 2	And of And		4		
TW COTTLET OF BECCION 2	NE¼ of NW¾	2	4N	15E	MD
		1.7			
					
				- 1	The county of th
					-

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 50,050 acre-feet per annum by storage to be collected from about November 1 of each year to about July 1 of the succeeding year as follows:

- (1) North Fork Stanislaus River: 350 acre-feet per annum by storage in North Fork Diversion Dam Reservoir.
- (2) Highland Creek: 49,700 adre-feet per annum by storage in New Spices.

This permit does not authorize collection of water to storage cutside of the specified season to offset evaporation and sespage losses or for any other purpose.

- 6. The amount authorized for appropriation may be reduced in the license if investigation warrants.
- 7. Construction work shall begin by December 1, 1982 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.
- Construction work shall be completed by December 1, 1984.
- 9. Complete application of the water to the authorized use shall be made by (complete)
- 10. Progress reports shall be submitted promptly by permitted when requested by the State Water Resources Control Board until License is issued.
- 11. Permittee shall allow representatives of the State Water Resources Control.

 Board and other parties as may be authorized from time to time by said Board reasonable access to project works to determine compliance with the terms of this permit.
- 12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use; unreasonable methods of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated. (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all wasterdischarges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

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- (1) North Fork Stanishens Miver 350 acre-feet per annum by storage in .
- 2). High Land Greek: 49, 700 act enfect per annum by scorace in New Spicet Meadow Reservoir
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- As Complete signification of the water toxine authorized use shall be made by a secondar 1. 1885
 - Of Progress reports shall be submitted promptly by parmine and requested by the State Water Resourche Control Board, until License is its 196.
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 - Pursuantetto Call Cornina Water Code Sactarums 100 and 275, 211 tights and retrivileges inder side permit and under any liquise issued pursuant thereto, butching methods of under any liquide constitution of under the liquide of uses and constitution of water diverted, at e webject to the continuing authority of the State water Resources Control Board in accordance with law and in the interest of the public well are to meetent water, year descriptions. Unbeacounties he hads of use or unrescondle
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- surfaces; (5) cost of Mine placetry with and (0) installing, harman-ing, and operating efficient water measuring devices to assure consists once with the quantity dimitations of this permit and to determine accurately water use as agrificst reasonable water requirements for the authorized projects. No action will be laken pursuant to this paragraph indees the Boatd determines, after notice to affected parties and opportunity for hearing, that such specific, requirements and payagraily and financially feasible and are appropriate to the particular signation.
- 13. The quantity of water diverted under this permit and under any license is properly pursuant, thereto is subject to modification by the State Water Resources Control Board it, after notice to the permittee and an opposeduity for hearing the Board finds that which would be not necessary to meet water quality of the Board finds that water quality control plans which have been or hereafter may be established on the water core. No action will be taken pursuant to this persuaph unless the loard finds that (1) adequate waste dimensive requirements have been prescribed and are in effect with respect to all wasterdisclarges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives captust be achieved, solely through the control of waste discharges.

- 14. Permittee shall install and maintain dutlet pipes of adequate capacity in all dams as near as practicable to the bottom of the natural stream channel, o provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoirs which is not authorized for 0050008 appropriation under this permit may be released.
- 15. Permittee shall install and maintain devices satisfactory to the Board to measure (a) water diverted into New Spicer Meadow Reservoir from the North Fork Diversion Dam and (b) water released from or flowing out of New Spicer Meadow (0060046 Reservoir.
- 16. Construction of the storage dams shall not be commenced until the Department of Water Resources has approved plans and specifications.

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- In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoirs of all structures, trees and other vegetation which would interfere with the use of the reservoirs for water storage and recreational purposes,
- This permit is subject to the terms of the agreement dated March 16, 1979 between the Department of Fish and Game and the permittee.
- In compliance with Fish and Game Code Section 5943, if storage of water authorized by this permit is on a stream naturally frequented by fish, permittee shall accord to the public, for the purpose of fishing, reasonable right of access to the waters impounded by North Fork Diversion Dam and New Spicer Meadow Reservoir during the open season for the taking of fish, subject to the regulations of the Fish and Game Commission and for domestic water supply reservoirs, subject to Public Health Requirements of Sections 7623 to 7630, Title 17, California Administrative Code.
- 20. Water entering the reservoirs or collected in the reservoirs during and after the current storage season shall be released into the downstream charmel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of water is not authorized under this permit.
- In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region, or by the State Water Resource Control Board. 10000100
- 22. Water diverted under this permit is for nonconsumptive uses and is to be released to the Stanislaus River within Swa of Nwa of Section 6, T3N, R15E, 000011
- This permit and all rights acquired or to be acquired thereunder shall be subject to future depletion of streamflow from South Fork and Middle Fork, Stanislaus River and their tributaries not to exceed 90,000 acre-feet of water in any three-year period by lawful appropriations of water for reasonable beneficial use by any diverter within the service area of Tuolumne County Water District No. 2, without regard to the time such appropriations are initiated o boar
- 24. All rights and privileges to appropriate water for power purposes under this permit and any subsequently issued license are subject to depletions resulting from future upstream appropriation for (a) domestic and (b) stockwatering uses within the watershed. Such rights and privileges may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code Sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to permittee or licensee of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, its requested; may be consolidated with the hearing on such applications.
- 25. No water shall be used under this permit until all necessary federal, state and local approvals have been obtained, including compliance with an applicable Federal Energy Regulatory Commission requirements,

- 15. Permutice static unstalliand maintain devices satisfactory to the Reard to measure (a) water diverted into New Spiler Meadow Reservoir from the North New Diversion Band and (b) water released from or Flowing Out of New Spiler Meadow. Reservoir
 - 16. Construction of the starage dams shall not be corresped until the Department of Water Resturges has approved plans and specifications.
- IV. In accordance with the requirements of later Code Section 1703, permeter shall clear the site of the process dreservairs of all startures, then and other two-station will finterfere with the use of the reservoi. For vated storace and west ational purposes.
 - 18. This permit is subject to the terms of the agreement dated Warch 16. 17 Perment he Demittae.
 - 19: In templiative with Fish and lare Code Section 5943, if storing of water withourized by this permit is on a stream naturally frequented by fish, permit tee shall accord to the public, for the purpose of fishing, reasonable right of coese to the waters interned by North Fork Diversion Dom and New SpiceraMeadom Regervoir flight, the open reason for the taking of fish, subject to till taken of the Fish and Hame Commission and for Horsetic water supply reservoir, subject to Puplic Health Requirements of Sections. 7(2) to Supply reservoir, subject to Puplic Health Requirements of Sections. 7(2) to 500, Title 17, California Administrative Code.
 - 20. Water entering the reservoirs or volvected in the poservoirs during and after the quart storage season shall be released into the downstream channel to the extent necessary to sattle by downstream order right; and to the extent that approximation to water is not authorized under this permit.
 - Through the project degrad won of the quality of water during and after schelling the project, prior to company of goost rection permitters and file a report pursuant to Vater Come Section 13260 and shall company what a discharge requirements unfosed by the California Regional Vater Achality Control Board, Central Valley Region, or by the State Water Resources Control Board.
 - 22. Water diverted under this penuit is for an consumptive uses and is to be released about the standard of section 6, 128, 2158.
 Missui.
 - 23. This permit and all rights acquired or to be acquired thereinder shall be subject to future depletion of stresmillow facts footh fork and misdle Fork. Stanislaus River and their tribitaried not to exceed 80,000 sore-rest of water warder and the appropriations of water for reasonable to make in any diverter within the service area of include Courty tater District No. 2, withour reagnit to the time such appropriations are intil cel.
 - 24. All rights and privileges to appropriate water for power purposes under this permit and any subsequently issued license are subject to depletators resulting from fature upstreem appropriation for (a) domestic and (b). Such depleting uses within the watershed, Such rights and privileges may also be subject to figure upstream entropriations for uses within the watershed other than domestic and stockwatering if and up the extent that the Board defermines, nursuant towarder look Sections 100 and 215, at it the continued exarcise of the appropriation for power purposes issumreasonable in light of authorized of the proprietion shell be made only after notice to permittee of licenses of an application for any such future upstream appropriation and the opposituation for any or such applications. It is appropriated may be consolidated with the hearthst on applications.
 - 25. No water shall be used ander this pendit until all necessity federal, state and focal approvals have been obtained, including campliance with any apprinciple Federal Energy Regulatory Commession requirements:

- 26. Except for dry years, as defined in Paragraph 10 of the agreement dated March 16, 1979, between the Department of Fish and Game and the permittee, the permittee at intervals not to exceed five years, will provide flushing flows averaging 200 percent of the average annual flow or averaging 1,000 cfs whichever is greater for 30 consecutive days during the period from March 1 to May 31 in the North Fork Stanislaus River at the Avery Gage, unless such flows occur naturally. Releases from storage will be made for this purpose to the extent that it does not interfere with the maintenance of water surface elevations in New Spicer Meadow Reservoir as provided for in Paragraph 9 of the agreement.
- 27. The permittee shall establish a swimming beach, access and parking at the Collierville Afterbay or some other suitable location on the river.
- 28. The Collierville Afterbay shall be located and operated in such a manner as to not interfere or degrade the current raft embarkment areas on the Stanislaus River located immediately below PG&E's Stanislaus Powerplant Afterbay.
- 29. A multiport outlet shall be constructed and operated on New Spicer Meadow Reservoir under specifications approved by the Department of Fish and Game to control the temperature of water released from the reservoir to optimize conditions for trout production in the North Fork, unless proven unnecessary (to the satisfaction of the Department) by the temperature analysis study of North Fork Stanislaus River to be conducted by the permittee.
- 30. The maximum amount of water to be diverted for storage in North Fork
 Diversion Dam Reservoir under this permit, together with that diverted under
 permitted Application 19149 shall not exceed 350 acre-feet per annum.

 (00001/4)
- 31. The maximum amount of water to be diverted for storage in New Spicer Meadow Reservoir under this permit, together with that diverted under permitted Applications 11792B, 12911, 13091, 13092, 18728, 19148 and 19149 shall not exceed 189,000 acre-feet per annum.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

AUGUST 11 1982

Raymo Malh

Chief, Division of Water Rights